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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,719	09/29/2003	Charles Steven Roush	4366-135	6343
48500	7590	04/11/2008		
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			EXAMINER OKORONKWO, CHINWENDU C	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 04/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,719

Applicant(s)

ROUSH ET AL.

Examiner

CHINWENDU C. OKORONKWO

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to communications filed on 07/11/2007, claims 1-49 are presented for examination.

Response to Remarks/Arguments

1.1 Applicant's arguments, pages 15-20, with respect to the rejection of claims 1-49 have been fully considered but they are not persuasive.

1.2 In response to Applicant argument that the Freed et al. reference does not teach or suggest the amended portions of the claims italicized by the Applicant in the remarks, the Examiner respectfully disagrees, referencing the claim rejections below which include the amended claims and the adjusted rejection citations for all the claimed limitations, including those italicized by the Applicant.

1.3 In response to Applicant argument that the Freed et al. reference does not teach or suggest a firewall and servicing personnel tunneling through a firewall, configured to block servicing packets, using disguised servicing commands, the Examiner respectfully disagrees citing column 26 lines 6-26, which recites "establishing a communication session with the ISP 156." and "the network service provider entity receives a first message from a user network entity. In the embodiment associated with the method 320, the first message includes a first message (*packet*) type defining a dynamic

network service request, a first authorization record that the user network entity employs to dynamically request network services, a list of the filtering (*blocking*) rules.”

1.4 The Applicant arguments regarding the dependent claims are maintained due to the above reasoning and rejection of the argued independent claim limitations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-49 are rejected under 35 U.S.C. 102(e) as being disclosed by Freed et al. (U.S. Patent No. 7,073,055).

Regarding claims 1, 18 and 33, Freed et al., discloses a method for remotely servicing a computational component, comprising:

- providing a firewall and a computational component requiring servicing, the firewall analyzing communications to the computational component

and configured to block servicing commands from a servicing entity (col. 25 lines 41-44 – “firewall system ... implemented for packet filtering, monitoring or logging of sessions between the data network and other network”);

- establishing, through the firewall, a session with a servicing computational component, packets of the session comprising servicing commands and responses, wherein the incoming packet pass through the firewall, wherein the servicing commands and responses are embedded in packets of a session-type otherwise permitted by the firewall and unrelated to servicing of the computational component (col. 26 lines 6-26 – “establishing a communication session with the ISP 156.” and “the network service provider entity receives a first message from a user network entity. In the embodiment associated with the method 320, the first message includes a first message (*packet*) type defining a dynamic network service request, a first authorization record that the user network entity employs to dynamically request network services, a list of the filtering (*blocking*) rules”);
- receiving, by the firewall, and incoming packet associated with the session, the incoming packet comprising a machine executable servicing command for the computational component requiring servicing (col. 24 lines 39-59 – “receiving static network service

requests (*requiring servicing*) on a network service provider entity from a user network entity associated with a premium network service type"); and

- forwarding, by the firewall, the servicing command to the computational component requiring servicing (col. 25 lines 5-25 – "network service provider entity may include the first network device, or alternatively, the network service provider entity may communicate with the first network device via a communication link").

Regarding claims 2, 19 and 34, Freed et al., discloses the method of Claim 1, wherein the session is a real-time or near real-time session and wherein the servicing command is associated with at least one of maintenance, diagnosis, provisioning, administration, monitoring, operating, repair, replacement, (re)configuring, and servicing of the computational component (col. 24 lines 24-31 – "message structure ... associated with a premium network service type to statically request network services. The message includes three fields: a message type field 292, an authorization field 294 and an identifier field 296").

Regarding claims 3, 20 and 35, Freed et al., discloses the method of Claim 1, wherein the forwarding step occurs at least substantially immediately after the receiving step and the session type is a computer telephony session (col. 6 lines 35-44 – "if the data-over-cable system is Packet Cable Specification compliant,

the data-over-cable system may include a plurality of additional network devices such as a call management server [which] ... may enable the media terminal adapter to establish multimedia sessions including voice communications applications such as "IP telephony" or "VOIP.").

Regarding claims 4, 21 and 36, Freed et al., discloses the method of Claim 1, wherein the session is configured as an instant messaging session and wherein voice and data messages are omitted from the incoming packet (col. 1 lines 23-27 – "multi-media content including audio, video, graphics and text that requires a large bandwidth for downloading and viewing").

[*The Examiner's Reasoning*: The cited portion of the reference discloses "a world-wide-network of interconnected computers, provid[ing] multi-media content including audio, video, graphics and **text**" thus the capability of providing communications session configured as an instant messaging session is implied within the full disclosure of the art.]

Freed et al. is silent in disclosing the amended limitation

Regarding claims 5, 22 and 37, Freed et al., discloses the method of Claim 1, wherein the session is configured as a voice-over-IP session (col. 6 lines 34-43).

Regarding claims 6, 23 and 38, Freed et al., discloses the method of Claim 1,

wherein the packet header and trailer are configured as a voice-over-IP packet but the payload comprises text setting forth the machine executable servicing command (col. 6 lines 34-43).

Regarding claims 7, 24 and 39, Freed et al., silent in disclosing the method of Claim 1, wherein the packet header trailer are configured as an instant message packet but the payload comprises the machine executable servicing command (col. 1 lines 23-27).

[*The Examiner's Reasoning*: The cited portion of the reference discloses "a world-wide-network of interconnected computers, provid[ing] multi-media content including audio, video, graphics and **text**" thus the capability of providing communications session configured as an instant messaging session is implied within the full disclosure of the art.]

Regarding claims 8, 25 and 40, Freed et al., is silent in disclosing the method of Claim 7, wherein the machine executable servicing command is not associated with operation of a graphical user interface or the display of information (col. 24 lines 22-64).

[*The Examiner's Reasoning*: The message field disclosed here makes no mention of a graphical user interface or the display of information and thus implies the absence of these features.]

Regarding claims 9, 26 and 41, Freed et al., discloses the method of Claim 1, wherein the servicing command is associated with at least one of the following call processing parameters: Digital Communication System or DCS call coverage, audible message waiting, vectoring, attendant vectoring, Asynchronous Transfer Mode or ATM WAN spare processor, ATM, dial by name, echo cancellation, multimedia call handling, multiple call handling, caller identification, multifrequency signaling, Integrated Services Digital Network or ISDN network call redirection, centralized attendant, remote office, enhanced Direct Inward Dialing or DID routing, survivable remote processor, time of day routing, tenant partitioning, hospitality announcements, Vector DirectoryNumber or VDN of origin announcement, wideband switching, wireless, logged-in automated call distribution or ACD agents, maximum currently registered IP stations, maximum administered IP trunks, offer category, maximum number of ports, maximum number of administered remote office trunks, maximum number of mobile stations, abbreviated dialing enhanced list, audible message waiting, vectoring, answer supervision by call classifier, ATM trunking, agent states, dial by name, DCS call coverage, echo cancellation, multifrequency signaling, wideband switching, logged-in agents, offer category, maximum numbers of concurrently registered IP stations, administered IP trunks, ports, and concurrently administered remote office stations/trunks, call center release, features that have a product value (e.g., corresponding to a product name or type), a release number (e.g., referring to a product release identifier), and

numeric value(s) (e.g., indicating an operational parameter associated with the product and/or release, such as how many ports are licensed, how many licenses for the product are granted, how many concurrent users are allowed, and/or how many stations can be concurrently administered with the feature) (col. 9 lines 38-56).

Regarding claims 10, 27 and 42, Freed et al., discloses the method of Claim 1, wherein the servicing command is associated with at least one of the following user features: features that are invoked prior to placing a call, features that are invoked during a call, features that are non-call associated that do not require display interactions, features that are non-call associated that require display interactions, features that are operated against calls not associated with the activating station, and features that are operated against an alerting call (col. 6 lines 34-48).

Regarding claims 11, 28 and 43, Freed et al., discloses the method of Claim 10, wherein the servicing command is associated with at least one of the following user features: analog bridged appearance select, abbreviated dialing, active appearance select, automatic appearance select, automatic call back, automatic intercom, autodial, bridged appearance selection, call appearance selection, call forwarding all, call forwarding busy/no answer, call forwarding deactivation, call park, call unpark, call pick-up, conference no answer, conference, calling party

number block, calling party number unblock, dial intercom, directed call pick-up, drop last added party, drop call, exclusion (which prevents a user from being active on the same call on a physical port and a trunk port), extend call off-switch enable (to enable the mapping agent), extend call off-switch disable (to disable the mapping agent), group page, handover, held appearance select, hunt night service, last number dialed, malicious call trace activation, malicious call trace deactivation, manual message waiting, priority call, send all calls, manual signaling, transfer on hang up, transfer to voice mail, and trunk night service (col. 6 lines 34-43).

Regarding claims 12, 29 and 44, Freed et al., discloses the method of Claim 1, wherein the session is point-to-point (col. 25 lines 41-44).

Regarding claims 13, 30 and 45, the method of Claim 1, wherein the type of the session is not intended to be associated with a servicing command (col. 25 lines 41-44).

[*The Examiner's Reasoning:* It is understood that the initial message sent tot the firewall is just to eastablish communication with firewall and not to be associated with a servicing command which would require an authenticated connection/session.]

Regarding claims 14, 31 and 46, Freed et al., discloses the method of Claim 1, further comprising:

- receiving a servicing response to the servicing command from the computational component requiring servicing (col. 24 lines 39-59);
- configuring the servicing response as at least one packet associated with the session (col. 26 lines 53-64); and
- sending the at least one servicing response packet to the servicing computational component (col. 26 lines 5-25).

Regarding claims 15, 32 and 47, Freed et al., discloses the method of Claim 13, wherein the type of session is intended for person-to-person communications (col. 6 lines 34-43).

Regarding claims 16 and 48, Freed et al., discloses a computer readable medium operable to perform the steps of Claim 1 (Rejected under the same rationale as claim 1).

Regarding claims 17 and 49, Freed et al., discloses a logic circuit operable to perform the steps of Claim 1 (Rejected under the same rationale as claim 1).

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is (571) 272 2662. The examiner can normally be reached on MWF 9:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571) 272 4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CCO

April 11, 2008

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2136